

REMARKS

Upon entry of this amendment, claims 1, 2, 4-26, 28-36 and 38-44 are all the claims pending in the application. Claims 3, 27 and 37 have been canceled.

I. Information Disclosure Statement filed on May 13, 2004

Regarding the Information Disclosure Statement filed on May 13, 2004, Applicants note that the Examiner did not consider the DE 44 33 868 reference submitted therewith because the Examiner asserted that an English translation was not provided. Applicants note, however, that a Search Report in the English language was submitted with the above-noted IDS which lists the DE 44 33 868 reference.

In this regard, Applicants note that MPEP §609(III)(A)(3) (Concise Explanation of Relevance for Non-English Language Information)(8th Edition) states the following with regard to references that are cited in an English language search report:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English - language version of the search report or action which indicates the degree of relevance found by the foreign office.

Thus, because Applicants submitted a search report in the English language which cited the above-noted reference, Applicants submit that the concise explanation of relevance has been satisfied in accordance with MPEP § 609 A(3). Accordingly, Applicants respectfully request that the Examiner consider the above-noted reference and return an initialed and signed copy of the PTO-1449 form with the next Office paper.

II. Objections to the Specification

The Examiner has objected to the abstract for the reasons set forth on page 2 of the Office Action. Applicants have amended the abstract in a manner to overcome this objection. The specification and abstract also include editorial amendments that have been made for grammatical and general readability purposes. No new matter has been added.

III. Claim Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 19-21 under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, the Examiner indicates that the phrase “enough processing capacity” renders the claims indefinite. Applicants have amended the claims so as to remove this phrase, and therefore, respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

IV. Claim Rejection under 35 U.S.C. § 101

The Examiner has rejected claims 25-34 under 35 U.S.C. § 101, as not being directed to statutory subject matter. Applicants have amended the preamble of claim 25 such that claims are now directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicants kindly request that the rejection be reconsidered and withdrawn.

V. Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-8, 12-18, 35-38 and 41-43 under 35 U.S.C. § 102(e) as being anticipated by Matsushita (U.S. 6,694,022).

Claim 1, as amended, recites the features of a receiving unit operable to receive continuously transmitted data from an external device, and set received data as a new data block; and a nullifying unit operable to, when a predetermined number of data blocks are judged as needing to be nullified or when one or more data blocks whose total amount of data reaches a predetermined amount are judged as needing to be nullified, write the new data block to a recording area, on the recording medium, that stores a data block which is judged as needing to be nullified, to thereby nullify the recorded data block and at the same time record the new data block. Applicants respectfully submit that Matsushita does not disclose or suggest at least this combination of features recited in claim 1.

Regarding Matsushita, Applicants note that this reference discloses a digital broadcasting receiver that is able to carry out a procedure to prevent the illegal copying of a copyrighted work. In particular, Matsushita discloses that when it is judged from a packet header of a read data packet that copying to an external device is not allowed (i.e., when CB=1), a reading pointer PP is incremented by one for the next reading and an erasing pointer EP is made to have a value smaller than the value of the reading pointer PP which is incremented by one (see col. 5, lines 34-37; col. 6, lines 41-50; and Fig. 4, steps S3a, S6a and S7a).

Next, as shown by step S8a in Fig. 4 of Matsushita, 0 is overwritten onto the entire data of the packet pointed to by the simultaneous erasing pointer EP, thereby erasing the data of the packet, the reading of which has already finished (see col. 6, lines 51-54). As shown in Fig. 4 of Matsushita, this process is continued until the last packet is finished, wherein, if CB=1 for the last packet (i.e., copying to an external device is not allowed), overwriting with 0 is performed for the last packet, thereby performing final erasing, and finishing the reading and erasing

processing (see col. 6, lines 58-65; and Fig. 4, steps S9a, S10a, S11a and S12a).

Thus, as is evident from the foregoing description, in Matsushita, digital broadcasting information can be erased by writing 0 over the entire data of the packet, the display of which has been completed.

As noted above, however, claim 1 has been amended to recite the features of a receiving unit operable to receive continuously transmitted data, and set received data as a new data block; and a nullifying unit operable to write the new data block to a recording area that stores a data block which is judged as needing to be nullified, to thereby nullify the recorded data block and at the same time record the new data block.

In other words, according to claim 1, for a recording area having a data block that is judged as needing to be nullified, this data block is overwritten by a newly received data block in the same recording area in which the data to be nullified had been stored. Applicants respectfully submit that Matsushita does not disclose such a feature.

In particular, as noted above, in Matsushita, digital broadcasting information can be erased by writing 0 over the entire data of the packet. Thus, while Matsushita discloses the ability to overwrite data with meaningless data such as 0, Applicants respectfully submit that Matsushita does not disclose or in any way suggest that a data block which is to be nullified is overwritten with a newly received data block, as recited in amended claim 1.

According to the present invention, by overwriting data that is to be nullified with a newly received data block, as opposed to overwriting such data with meaningless data such as 0, it is possible to avoid a heavy processing load on the device.

In view of the foregoing, Applicants respectfully submit that Matsushita does not

disclose, suggest or otherwise render obvious all of the features recited in amended claim 1.

Accordingly, Applicants submit that claim 1 is patentable over Matsushita, an indication of which is kindly requested. Claim 2, 4-8 and 12-18 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 35, Applicants note that this claim has been amended in a similar manner as discussed above with respect to claim 1. In particular, claim 35 has been amended to recite the features of receiving continuously transmitted data from an external device, and setting the received data as a new data block; and writing, when a predetermined number of data blocks are judged as needing to be nullified or when one or more data blocks whose total amount of data reaches a predetermined amount are judged as needing to be nullified, the new data block to a recording area, on the recording medium, that stores a data block which is judged as needing to be nullified, to thereby nullify the recorded data block and at the same time record the new data block.

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that Matsushita does not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claim 35 is patentable over Matsushita, an indication of which is kindly requested. Claims 36 and 41-43 depend from claim 35 and are therefore considered patentable at least by virtue of their dependency.

VI. Claim Rejections under 35 U.S.C. § 103(a)

A. The Examiner has rejected claims 25-28 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Matsushita (U.S. 6,694,022).

Regarding claim 25, Applicants note that this claim has been amended in a similar manner as discussed above with respect to claim 1. In particular, claim 25 has been amended to recite the features of receiving continuously transmitted data from an external device, and setting the received data as a new data block; and writing, when a predetermined number of data blocks are judged as needing to be nullified or when one or more data blocks whose total amount of data reaches a predetermined amount are judged as needing to be nullified, the new data block to a recording area, on the recording medium, that stores a data block which is judged as needing to be nullified, to thereby nullify the recorded data block and at the same time record the new data block.

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that Matsushita does not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claim 25 is patentable over Matsushita, an indication of which is kindly requested. Claims 26, 28 and 31-43 depend from claim 25 and are therefore considered patentable at least by virtue of their dependency.

B. The Examiner has rejected claims 9-11, 29, 30, 39 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Garfinkle (U.S. 5,400,402).

Claims 9-11 depend from claim 1; claims 29 and 30 depend from claim 25; and claims 39 and 40 depend from claim 35. Applicants respectfully submit that Garfinkle fails to cure the deficiencies of Matsushita, as discussed above, with respect to claims 1, 25 and 35. Accordingly, Applicants submit that claims 9-11, 29, 30, 39 and 40 are patentable at least by virtue of their dependency.

C. The Examiner has rejected claims 19-24, 34 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Masinter (U.S. 5,742,807).

Claims 19-24 depend from claim 1; claim 34 depends from claim 25; and claim 44 depends from claim 35. Applicants respectfully submit that Masinter fails to cure the deficiencies of Matsushita, as discussed above, with respect to claims 1, 25 and 35. Accordingly, Applicants submit that claims 19-24, 34 and 44 are patentable at least by virtue of their dependency.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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